

Assembly Bill No. 1639

CHAPTER 31

An act to amend Section 917.8 of the Code of Civil Procedure, relating to appeals.

[Approved by Governor July 2, 2003. Filed with
Secretary of State July 2, 2003.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1639, Firebaugh. Appeals: nuisance.

Existing law provides that the perfecting of an appeal stays proceedings, with specified exceptions, including, but not limited to, if a judgment or order adjudges a building or place to be a nuisance, and directs the closing or discontinuance of any specific use of the building or place for any period of time.

This bill would also prohibit a stay of proceedings, if a judgment or order grants relief in specified nuisance abatement actions brought by a governmental agency.

The people of the State of California do enact as follows:

SECTION 1. Section 917.8 of the Code of Civil Procedure is amended to read:

917.8. The perfecting of an appeal does not stay proceedings, in the absence of an order of the trial court providing otherwise or of a writ of supersedeas, under any of the following circumstances:

(a) If a party to the proceeding has been adjudged guilty of usurping, or intruding into, or unlawfully holding a public office, civil or military, within this state.

(b) If the judgment or order directs a corporation, or any of its officers or agents, to give to a person adjudged to be a director, stockholder, or member of that corporation a reasonable opportunity to inspect or make copies of the books, papers, or documents of the corporation as the trial court finds that the director, stockholder, or member is entitled by law to inspect or copy.

(c) If a judgment or order adjudges a building or place to be a nuisance and, as part of that judgment or order, directs the closing or discontinuance of any specific use of the building or place for any period of time.

(d) If a judgment or order, including, but not limited to, a temporary restraining order or preliminary injunction, grants relief in an action

brought by a governmental agency under the provisions of Article 2 (commencing with Section 11225) of Chapter 3 of Title 1 of Part 4 of the Penal Code or Article 3 (commencing with Section 11570) of Chapter 10 of Division 10 of the Health and Safety Code.

